

ORIGINAL

Cause Number

675,003-C

HENRY ROBINSON, an Individual,
PLAINTIFF,§
§

CADDO PARISH, LOUISIANA

vs.

§
§ELDORADO RESORTS, INC.;
ELDORADO CASINO SHREVEPORT
JOINT VENTURE, LLC; ELDORADO
SHREVEPORT #1, LLC; ELDORADO
SHREVEPORT #2, LLC; THOMAS R.
REEG in his capacity as CEO of
ELDORADO RESORTS, INC.; and OTIS
ELEVATOR COMPANY,
DEFENDANTS.§
§
§
§
§
§
§

FIRST JUDICIAL DISTRICT COURT

STATE OF LOUISIANA

PETITION FOR DAMAGES

The Petition of HENRY ROBINSON, a person of age of majority and domiciliary of the State of Louisiana, by and through his attorney of record, Bruce A. Flint, of FLINT, CRAWFORD, & COGBURN, PLLC., respectfully represents that:

1.

Plaintiff Henry Robinson is a resident of 825 Anniston Avenue, Shreveport, in Caddo Parish, Louisiana, and is a person of full age and majority.

2.

The Defendants herein are the following:

ELDORADO RESORTS, INC., and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC.; ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC; ELDORADO SHREVEPORT #1, LLC; ELDORADO SHREVEPORT #2, LLC; and OTIS ELEVATOR COMPANY. Service of process may be made by serving the registered agents for ELDORADO RESORTS, INC. and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC. with Jeffrey M Barbin, of Phelps Dunbar, LLP, 400 Convention Street, Suite 1100, II City Plaza, Baton Rouge, Louisiana, 70802. ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC, ELDORADO SHREVEPORT #1, LLC, and ELDORADO SHREVEPORT #2, LLC do not have agents or offices in Louisiana. ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC is a partnership consisting of ELDORADO SHREVEPORT #1, LLC and

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SANDY ROTHELL
DEPUTY CLERK OF COURT
CADDO PARISH

663
Flint

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ELDORADO SHREVEPORT #2, LLC. Their agent for service of process is listed as Micki Arguello, 100 West Liberty Street, 10th Floor, Reno, Nevada, 89501. OTIS ELEVATOR COMPANY's agent for service of process is CT Corporation, 3867 Plaza Tower Drive, Baton Rouge, Louisiana, 70816

3.

This court has jurisdiction of this matter as the amount in controversy exceeds the Court's jurisdictional minimum amount. Jurisdiction and Venue are proper in Caddo Parish because all or a substantial portion of the events given rise to the cause of action occurred in Caddo Parrish, Louisiana.

4.

That on or about February 5, 2020, Plaintiff Henry Robinson stepped on to an Otis Elevator Company escalator in the Eldorado Resort & Casino and placed his hand on the rail while holding his cane in his other hand. Suddenly, the escalator jerked and propelled the Plaintiff down the steps of the escalator to the first floor – suggesting that the handrail and/or moving steps malfunctioned and no longer worked as designed.

5.

As a direct result of the above-described incident, Plaintiff HENRY ROBINSON suffered a broken collar bone, gashes to his head that required sixteen (16) staples, and a yet, unspecified head injury. Plaintiff also suffered cuts and abrasions to his left shoulder, right shoulder, left knee, right knee, abdominal wall, and his left forearm. The ridges from the escalator ripped into Plaintiff's skin on his knee, ribcage, and legs. Plaintiff has a limited range of motion in his neck. When he attempts to turn his head, he feels a crunching sensation popping in his neck.

6.

As a result of the above-described accident and injuries, Plaintiff HENRY ROBINSON sustained the following damages, among others:

- a. Physical pain and suffering (past, present and future);
- b. Disfigurement;
- c. Medical expenses (past, present, and future);

SECRET

- d. Mental anguish (past, present, and future);
- e. Emotional distress;
- f. Interest; and
- g. Court costs.

7.

At the time of the events mentioned above, Defendants ELDORADO RESORTS, INC., and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC.; ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC; ELDORADO SHREVEPORT #1, LLC; ELDORADO SHREVEPORT #2, LLC; and OTIS ELEVATOR COMPANY owned and had such control over the escalator in question; that Defendants owed certain duties to Plaintiff, the breach of which proximately caused the injuries set forth herein. At all times pertinent herein, Defendants ELDORADO RESORTS, INC., and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC.; ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC; ELDORADO SHREVEPORT #1, LLC; ELDORADO SHREVEPORT #2, LLC; and OTIS ELEVATOR COMPANY were negligent in various acts and omissions including, but not limited to the following, which negligence was a direct and proximate result of the occurrence in question:

- a. Failing to monitor premises in a safe and reasonable manner;
- b. Failing to press the emergency stop button on the escalator in a timely manner
- c. Failing to maintain the escalator in proper working order;
- d. Failing to monitor premises for potentially dangerous/hazardous conditions existing on the premises;
- e. Failing to properly train and supervise employees to recognize and correct potentially dangerous/hazardous conditions existing on the premises; and
- f. Failing to warn casino and resort attendees of potentially dangerous/hazardous conditions existing on the premises.

Each and every, all and singular of the foregoing acts and omissions on the part of Defendants ELDORADO RESORTS, INC., and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC.; ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC; ELDORADO SHREVEPORT #1, LLC; ELDORADO SHREVEPORT #2, LLC; and OTIS

ELEVATOR COMPANY, taken separately and/or collectively, constitute a direct and proximate cause of the injuries and damages set forth below.

8.

It will be necessary to use medical witnesses at the trial of this matter and their fees, together with any expenses for taking their depositions, should be fixed and taxed as court costs.

9.

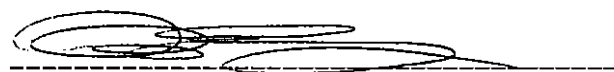
Plaintiff HENRY ROBINSON further desires that this Honorable Court award quantum or general damages unto Plaintiff HENRY ROBINSON to compensate him for his pain and suffering in the past, present, and future; medical expenses in the past, present, and future; mental anguish in the past, present, and future; emotional distress; interest; and court costs.

WHEREFORE, PLAINTIFF PRAYS THAT:

- a. Defendants ELDORADO RESORTS, INC., and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC.; ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC; ELDORADO SHREVEPORT #1, LLC; ELDORADO SHREVEPORT #2, LLC; and OTIS ELEVATOR COMPANY be served with a copy of this petition and duly cited to appear and answer herein;
- b. After due proceedings are had, that there be judgment rendered herein in favor of Plaintiff and against Defendants in solido for such damages as are reasonable in the premises together with the maximum legal interest from the date of judicial demand until paid, and for all costs of these proceedings, such costs to include a reasonable attorney's fee;
- c. Expert witness fees be fixed and taxed as Court Costs; and
- d. For full, general and equitable relief.

Respectfully submitted,

FLINT, CRAWFORD & COGBURN, P.L.L.C.
2821 Richmond Rd. | Texarkana, Texas 75503
Telephone: 903.334.8928 | Fax: 903.334.8853



Bruce A. Flint | Louisiana State Bar No. 26031
Attorney for Plaintiff

SCAN07272020000000172

Bruce A. Flint
Attorney
Licensed in TX, AR, LA, OK, & MA



FLINT, CRAWFORD & COGBURN

Darla S. Crawford
Attorney
Licensed in AR & TX

Brandon C. Cogburn
Attorney
Licensed in AR & TX

July 23, 2020

Via FedEx 813686799167

Caddo Parish Clerk of Court
501 Texas Street, Room 103
Shreveport, Louisiana 71101-5401

Re: Henry Robinson vs. Eldorado Resorts, Inc., et al.

Dear Clerk of Court:

Enclosed you will find the ~~Plaintiff's Petition for Damages~~ filed concurrently with this letter. Please file stamp the enclosed ~~extra copy and send it back in the self-addressed, stamped envelope~~ enclosed. In addition, please issue citations/summons for the following as well as provide certified copies of the ~~Petition~~:

1. Eldorado Resorts, Inc.
c/o Jeffrey M. Barbin
Phelps Dunbar LLP
400 Convention Street, Suite 1100
II City Plaza
Baton Rouge, Louisiana 70802
2. Thomas R. Reeg, In his capacity as CEO of Eldorado Resorts, Inc.
c/o Jeffrey M. Barbin
Phelps Dunbar LLP
400 Convention Street, Suite 1100
II City Plaza
Baton Rouge, Louisiana 70802
3. Eldorado Casino Shreveport Joint Venture, LLC
c/o Micki Arguello
100 West Liberty Street, 10th Floor
Reno, Nevada 89501

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Flint, Crawford & Cogburn
201 West 5th Street
El Dorado, AR 71730-3847
(870) 862-9400

2821 Richmond Road, Texarkana, TX 75503-2123
(888) 793-5468 | (903) 334-8928 | (903) 334-8853
www.flintcrawford.com
Se Habla Espanol / Se Fala Português Brasileiro

Flint, Crawford & Cogburn
222 N. Hervey Street, Suite C
Hope, AR 71801
(870) 474-5071



Caddo Parish Clerk of Court

July 23, 2020

Page | 2

4. Eldorado Shreveport #1, LLC
c/o Micki Arguello
100 West Liberty Street, 10th Floor
Reno, Nevada 89501
5. Eldorado Shreveport #2, LLC
c/o Micki Arguello
100 West Liberty Street, 10th Floor
Reno, Nevada 89501
6. Otis Elevator Company
CT Corporation
3867 Plaza Tower Drive
Baton Rouge, Louisiana 70816

Also enclosed you will find a check for \$830.00 for the filing fee, and the service copies needed for the starting of this case.

Thank you very much for your time and please do not hesitate to contact me with any questions or comments you may have.

FLINT, CRAWFORD & COGBURN

Very truly yours,

Jacquelyn Zwirn

Litigation Paralegal

jzwirn@bruceflint.com

SCAND727202000000174

Long-Arm Citation

HENRY ROBINSON
VS
ELDORADO RESORTS INC ETAL

NO. 625003 – C
STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

THE STATE OF LOUISIANA, TO: ELDORADO SHREVEPORT #2 LLC
C/O MICKI ARGUELLO

YOU HAVE BEEN SUED.
Attached to this Citation is a certified copy of the Petition.* The petition tells you what you are being sued for.

You must EITHER do what the petition asks, OR, within THIRTY (30) days after you have received these documents, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Caddo Parish Court House, 501 Texas Street, Room 103, Shreveport, Louisiana.

If you do not do what the petition asks, or if you do not file an answer or legal pleading within THIRTY (30) days, a judgment may be entered against you without further notice.

This Citation was issued by the Clerk of Court for Caddo Parish, on this date July 24, 2020.

*Also attached are the following:

MIKE SPENCE, CLERK OF COURT

- REQUEST FOR ADMISSIONS OF FACTS
- INTERROGATORIES
- REQUEST FOR PRODUCTION OF DOCUMENTS

By: Deputy Clerk

JACQUELYN ZWIRN
Attorney

FILE COPY

SCANNED 7/27/2020 00:00:01

hannahh

CPCC.CV.2032621

Long-Arm Citation

HENRY ROBINSON
VS
ELDORADO RESORTS INC ETAL

NO. 625003 – C
STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

THE STATE OF LOUISIANA, TO: ELDORADO SHREVEPORT #1 LLC
C/O MICKI ARGUELLO

YOU HAVE BEEN SUED.
Attached to this Citation is a certified copy of the Petition.* The petition tells you what you are being sued for.

You must EITHER do what the petition asks, OR, within THIRTY (30) days after you have received these documents, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Caddo Parish Court House, 501 Texas Street, Room 103, Shreveport, Louisiana.

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MIKE SPENCE, CLERK OF COURT

- REQUEST FOR ADMISSIONS OF FACTS
- INTERROGATORIES
- REQUEST FOR PRODUCTION OF DOCUMENTS

By: Deputy Clerk

JACQUELYN ZWIRN
Attorney

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hannahh

CPCC.CV.2032605

Long-Arm Citation

HENRY ROBINSON
VS
ELDORADO RESORTS INC ETAL

NO. 625003 – C
STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

THE STATE OF LOUISIANA, TO: ELDORADO CASINO SHREVEPORT JOINT VENTURE LLC
C/O MICKI ARGUELLO

YOU HAVE BEEN SUED.
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By: Deputy Clerk

JACQUELYN ZWIRN
Attorney

SCANNED 7/27/2020 00:00:01

FILE COPY

Citation

HENRY ROBINSON
VS
ELDORADO RESORTS INC ETAL

NO. 625003– C
STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

THE STATE OF LOUISIANA, TO: ELDORADO RESORTS INC
C/O JEFFREY M. BARBIN, ATTY
400 CONVENTION ST STE. 1100 II CITY PLAZA
BATON ROUGE, LA
70802

YOU HAVE BEEN SUED.
Attached to this Citation is a certified copy of the Petition.* The petition tells you what you are being sued for.

You must EITHER do what the petition asks, OR, within FIFTEEN (15) days after you have received these documents, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Caddo Parish Court House, 501 Texas Street, Room 103, Shreveport, Louisiana.

If you do not do what the petition asks, or if you do not file an answer or legal pleading within FIFTEEN (15) days, a judgment may be entered against you without further notice.

This Citation was issued by the Clerk of Court for Caddo Parish, on this date July 24, 2020.

*Also attached are the following: MIKE SPENCE, CLERK OF COURT

REQUEST FOR ADMISSIONS OF FACTS
INTERROGATORIES
REQUEST FOR PRODUCTION OF DOCUMENTS By: Deputy Clerk

JACQUELYN ZWIRN
Attorney

FILE COPY

SCAND0727202000000178

Citation

HENRY ROBINSON
VS
ELDORADO RESORTS INC ETAL

NO. 625003– C
STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

THE STATE OF LOUISIANA, TO: THOMAS R REEG
IN HIS CAPACITY OF CEO OF ELDORADO RESORTS INC
C/O JEFFREY BARBIN 400 CONVENTION ST. STE 1100 II
CITY PLAZA
BATON ROUGE, LA
70802

YOU HAVE BEEN SUED.
Attached to this Citation is a certified copy of the Petition.* The petition tells you what you are being sued for.

You must EITHER do what the petition asks, OR, within FIFTEEN (15) days after you have received these documents, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Caddo Parish Court House, 501 Texas Street, Room 103, Shreveport, Louisiana.

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This Citation was issued by the Clerk of Court for Caddo Parish, on this date July 24, 2020.

*Also attached are the following:

MIKE SPENCE, CLERK OF COURT

- REQUEST FOR ADMISSIONS OF FACTS
- INTERROGATORIES
- REQUEST FOR PRODUCTION OF DOCUMENTS

By: Deputy Clerk

JACQUELYN ZWIRN
Attorney

FILE COPY

SCAND07272020000000000179

hannahh

CPCC.CV.2032548

Citation

HENRY ROBINSON
VS
ELDORADO RESORTS INC ETAL

NO. 625003- C
STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

THE STATE OF LOUISIANA, TO: OTIS ELEVATOR COMPANY
THRU CT CORPORATION, AGENT
3867 PLAZA TOWER DR.
BATON ROUGE, LA
70816

YOU HAVE BEEN SUED.
Attached to this Citation is a certified copy of the Petition.* The petition tells you what you are being sued for.

You must EITHER do what the petition asks, OR, within FIFTEEN (15) days after you have received these documents, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Caddo Parish Court House, 501 Texas Street, Room 103, Shreveport, Louisiana.

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REQUEST FOR ADMISSIONS OF FACTS
INTERROGATORIES
REQUEST FOR PRODUCTION OF DOCUMENTS By: Deputy Clerk

JACQUELYN ZWIRN
Attorney

FILE COPY

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Cause Number 625003-C

HENRY ROBINSON, an Individual,	§	CADDO PARISH, LOUISIANA
PLAINTIFF,	§	
	§	
vs.	§	
	§	
ELDORADO RESORTS, INC.;	§	
ELDORADO CASINO SHREVEPORT	§	FIRST JUDICIAL DISTRICT COURT
JOINT VENTURE, LLC; ELDORADO	§	
SHREVEPORT #1, LLC; ELDORADO	§	
SHREVEPORT #2, LLC; THOMAS R.	§	
REEG in his capacity as CEO of	§	
ELDORADO RESORTS, INC.; OTIS	§	
ELEVATOR COMPANY; and,	§	STATE OF LOUISIANA
SCHINDLER ELEVATOR		
CORPORATION,		
DEFENDANTS.		

AMENDED PETITION FOR DAMAGES

The Petition of HENRY ROBINSON, a person of age of majority and domiciliary of the State of Louisiana, by and through his attorney of record, Bruce A. Flint, of FLINT, CRAWFORD, & COGBURN, PLLC., respectfully represents that:

1.

Plaintiff Henry Robinson is a resident of 825 Anniston Avenue, Shreveport, in Caddo Parish, Louisiana, and is a person of full age and majority.

2.

The Defendants herein are the following:

ELDORADO RESORTS, INC., and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC.; ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC; ELDORADO SHREVEPORT #1, LLC; ELDORADO SHREVEPORT #2, LLC; OTIS ELEVATOR COMPANY; and SCHINDLER ELEVATOR CORPORATION. Service of process may be made by serving the registered agents for ELDORADO RESORTS, INC. and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC. with Jeffrey M Barbin, of Phelps Dunbar, LLP, 400 Convention Street, Suite 1100, II City Plaza, Baton Rouge, Louisiana, 70802. ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC, ELDORADO SHREVEPORT #1, LLC, and ELDORADO SHREVEPORT #2, LLC do not have agents or offices in Louisiana.

ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC is a partnership consisting of ELDORADO SHREVEPORT #1, LLC and ELDORADO SHREVEPORT #2, LLC. Their agent for service of process is listed as Micki Arguello, 100 West Liberty Street, 10th Floor, Reno, Nevada, 89501. OTIS ELEVATOR COMPANY's agent for service of process is CT Corporation, 3867 Plaza Tower Drive, Baton Rouge, Louisiana, 70816. SCHINDLER ELEVATOR CORPORATION's agent for service of process is CT Corporation, 3867 Plaza Tower Drive, Baton Rouge, Louisiana, 70816.

3.

This court has jurisdiction of this matter as the amount in controversy exceeds the Court's jurisdictional minimum amount. Jurisdiction and Venue are proper in Caddo Parish because all or a substantial portion of the events given rise to the cause of action occurred in Caddo Parrish, Louisiana.

4.

That on or about February 5, 2020, Plaintiff Henry Robinson stepped on to an Schindler Elevator Corporation escalator in the Eldorado Resort & Casino and placed his hand on the rail while holding his cane in his other hand. Suddenly, the escalator jerked and propelled the Plaintiff down the steps of the escalator to the first floor – suggesting that the handrail and/or moving steps malfunctioned and no longer worked as designed.

5.

As a direct result of the above-described incident, Plaintiff HENRY ROBINSON suffered a broken collar bone, gashes to his head that required sixteen (16) staples, and a yet, unspecified head injury. Plaintiff also suffered cuts and abrasions to his left shoulder, right shoulder, left knee, right knee, abdominal wall, and his left forearm. The ridges from the escalator ripped into Plaintiff's skin on his knee, ribcage, and legs. Plaintiff has a limited range of motion in his neck. When he attempts to turn his head, he feels a crunching sensation popping in his neck.

6.

As a result of the above-described accident and injuries, Plaintiff HENRY ROBINSON sustained the following damages, among others:

- a. Physical pain and suffering (past, present and future);
- b. Disfigurement;
- c. Medical expenses (past, present, and future);
- d. Mental anguish (past, present, and future);
- e. Emotional distress;
- f. Interest; and
- g. Court costs.

7.

At the time of the events mentioned above, Defendants ELDORADO RESORTS, INC., and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC.; ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC; ELDORADO SHREVEPORT #1, LLC; ELDORADO SHREVEPORT #2, LLC; OTIS ELEVATOR COMPANY; and SCHINDLER ELEVATOR CORPORATION owned and had such control over the escalator in question; that Defendants owed certain duties to Plaintiff, the breach of which proximately caused the injuries set forth herein. At all times pertinent herein, Defendants ELDORADO RESORTS, INC., and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC.; ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC; ELDORADO SHREVEPORT #1, LLC; ELDORADO SHREVEPORT #2, LLC; OTIS ELEVATOR COMPANY; and SCHINDLER ELEVATOR CORPORATION were negligent in various acts and omissions including, but not limited to the following, which negligence was a direct and proximate result of the occurrence in question:

- a. Failing to monitor premises in a safe and reasonable manner;
- b. Failing to press the emergency stop button on the escalator in a timely manner
- c. Failing to maintain the escalator in proper working order;
- d. Failing to monitor premises for potentially dangerous/hazardous conditions existing on the premises;
- e. Failing to properly train and supervise employees to recognize and correct potentially dangerous/hazardous conditions existing on the premises; and
- f. Failing to warn casino and resort attendees of potentially dangerous/hazardous

conditions existing on the premises.

Each and every, all and singular of the foregoing acts and omissions on the part of Defendants ELDORADO RESORTS, INC., and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC.; ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC; ELDORADO SHREVEPORT #1, LLC; ELDORADO SHREVEPORT #2, LLC; OTIS ELEVATOR COMPANY; and SCHINDLER ELEVATOR CORPORATION, taken separately and/or collectively, constitute a direct and proximate cause of the injuries and damages set forth below.

8.

It will be necessary to use medical witnesses at the trial of this matter and their fees, together with any expenses for taking their depositions, should be fixed and taxed as court costs.

9.

Plaintiff HENRY ROBINSON further desires that this Honorable Court award quantum or general damages unto Plaintiff HENRY ROBINSON to compensate him for his pain and suffering in the past, present, and future; medical expenses in the past, present, and future; mental anguish in the past, present, and future; emotional distress; interest; and court costs.

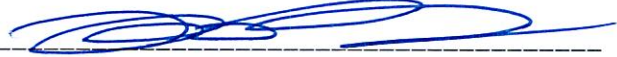
WHEREFORE, PLAINTIFF PRAYS THAT:

- a. Defendants ELDORADO RESORTS, INC., and THOMAS R. REEG in his capacity as CEO of ELDORADO RESORTS, INC.; ELDORADO CASINO SHREVEPORT JOINT VENTURE, LLC; ELDORADO SHREVEPORT #1, LLC; ELDORADO SHREVEPORT #2, LLC; OTIS ELEVATOR COMPANY; and SCHINDLER ELEVATOR CORPORATION be served with a copy of this petition and duly cited to appear and answer herein;
- b. After due proceedings are had, that there be judgment rendered herein in favor of Plaintiff and against Defendants in solido for such damages as are reasonable in the premises together with the maximum legal interest from the date of judicial demand until paid, and for all costs of these proceedings, such costs to include a reasonable attorney's fee;
- c. Expert witness fees be fixed and taxed as Court Costs; and

d. For full, general and equitable relief.

Respectfully submitted,

FLINT, CRAWFORD & COGBURN, P.L.L.C.
2821 Richmond Rd. | Texarkana, Texas 75503
Telephone: 903.334.8928 | Fax: 903.334.8853



Bruce A. Flint | Louisiana State Bar No. 26031
Attorney for Plaintiff



HENRY ROBINSON

NUMBER: 625,003-C

VERSUS

1ST JUDICIAL DISTRICT COURT

ELDORADO RESORTS, INC., ET AL.

CADDO PARISH, LOUISIANA

EXCEPTIONS, ANSWERS, AND AFFIRMATIVE DEFENSES
TO PETITIONS FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes defendants, ELDORADO CASINO SHREVEPORT JOINT VENTURE (hereinafter referred to as "defendant" or "Eldorado") (erroneously identified by plaintiff as Eldorado Resorts, Inc., Eldorado Shreveport #1, LLC, Eldorado Shreveport #2, LLC, and Thomas R. Reeg), ELDORADO RESORTS, INC., ELDORADO SHREVEPORT #1, LLC, ELDORADO SHREVEPORT #2, LLC, and THOMAS R. REEG (collectively "defendants"), who in response to the Petition and First Amended Petition of plaintiff, HENRY ROBINSON ("plaintiff"), avers as follows:

EXCEPTIONS

1.

Defendants plead the exceptions of improper venue, insufficiency of service of process, lack of personal jurisdiction, lack of subject matter jurisdiction, and no cause of action.

ANSWER

AND NOW, without waiving the foregoing exception, defendants respond to the allegations in plaintiff's Original Petition and First Amended Petition and deny each and every allegation contained therein, except as specifically admitted hereafter. And now, responding to the separately numbered paragraphs in plaintiff's Original Petition and First Amended Petition, defendants respond as follows:

1.

Defendants deny the allegations of paragraph 1 for lack of knowledge or information sufficient to form a belief as to their truth.

2.

Defendants admit that Eldorado is named as a defendant. Defendants deny the remaining allegations of paragraph 1 for lack of knowledge or information sufficient to form a belief as to their truth.

3.

Defendants deny the allegations of paragraph 3.

4.

Defendants deny the allegations of paragraph 4.

5.

Defendants deny the allegations of paragraph 5.

6.

Defendants deny the allegations of paragraph 6 and each of its subparts.

7.

Defendants deny the allegations of paragraph 7 and each of its subparts.

8.

Defendants deny the allegations of paragraph 8.

9.

Defendants deny the allegations of paragraph 9.

IN FURTHER ANSWERING, defendants affirmatively plead as follows:

10.

Defendants affirmatively plead the fault of plaintiff as the sole cause of the damages complained of by plaintiff. Plaintiff failed to keep a proper lookout and to observe his surroundings, and to exercise reasonable care for the safety and protection of his own person.

11.

In the alternative, defendants affirmatively plead the comparative fault of plaintiff, or third persons. To the extent any fault is allocated to plaintiff, or third persons, any damages awarded against defendant, the right to which is denied, should be reduced in proportion to the fault of plaintiff, or third persons.

12.

Defendants affirmatively plead the fault of third persons for whom defendants are not responsible and whose fault may have caused or contributed to the damages plaintiff claim to have suffered.

13.

Defendants affirmatively plead plaintiff's failure to mitigate his damages.

14.

Defendants allege, without admitting any liability whatsoever, that any acts or omissions of defendants were superseded by the acts or omissions of others, including those of plaintiff, or third persons, all of which were independent, intervening and superseding causes of all alleged injury, damage or loss.

15.

To the extent that the risk, if any, alleged by plaintiff was open and obvious, Eldorado is not liable.

16.

Subject to further investigation and discovery, plaintiff's claims may have prescribed under applicable statutes of limitation.

17.

Defendants show that if any of the medical expenses claimed by plaintiff in this case have been paid pursuant to Medicare and/or Medicaid, then pursuant to 42 U.S.C. § 1395(v)(b)(B)(ii)(b)(a) and La. R.S. 46:153(E), plaintiff has no cause of action for

recovery of any such medicals paid by Medicare and/or Medicaid as the acceptance of payment by or on behalf of plaintiff constitutes a complete assignment of rights to said entities for recovery of those benefits.

18.

Defendants show that they are entitled to a credit for any medical expenses discounted or mark down by any provider pursuant to an agreement with plaintiff or plaintiff's counsel and with regard to any mark down or discount resulting from health insurance payments or pursuant to a health insurance contract under the Balanced Billing Act, La. R.S. 22:1874.

19.

Defendants are entitled to a reduction in the amount for which they may be held liable in judgment in accordance with the degree or percentage of fault and/or negligence attributable to plaintiff, or to any and all other persons and legal entities, including those which may be or are released by settlement, bankruptcy, or otherwise, all in accordance with the laws of indemnity, comparative negligence, subrogation, and/or contribution.

20.

Defendants show that they are entitled to a credit for any medical expenses discounted or marked down by any healthcare provider who paid such expenses on behalf of or to plaintiff pursuant to the Louisiana Workers' Compensation Act.

21.

Defendants reserve the right to assert additional affirmative defenses based upon further investigation and discovery.

22.


Defendants are entitled to and pray for a trial by jury as to all issues triable by a jury.

WHEREFORE, defendants, ELDORADO CASINO SHREVEPORT JOINT VENTURE (hereinafter referred to as “defendant” or “Eldorado”) (erroneously identified by plaintiff as Eldorado Resorts, Inc., Eldorado Shreveport #1, LLC, Eldorado Shreveport #2, LLC, and Thomas R. Reeg), ELDORADO RESORTS, INC., ELDORADO SHREVEPORT #1, LLC, ELDORADO SHREVEPORT #2, LLC, and THOMAS R. REEG, respectfully pray the above and foregoing exception and answer be deemed good and sufficient; and that following due proceedings had, there be judgment herein in favor of defendants and against plaintiff, rejecting and dismissing the claims and demands of the plaintiff at plaintiff’s cost.

DEFENDANTS FURTHER PRAY for all general and equitable relief.

DEFENDANTS FURTHER PRAY for a jury trial as to all issues triable by a jury.

BLANCHARD, WALKER, O'QUIN & ROBERTS
(A Professional Law Corporation)

By: 

Scott R. Wolf, La. Bar #28277

700 Regions Bank Tower
Post Office Drawer 1126
Shreveport, Louisiana 71163-1126
Telephone: (318) 221-6858
Telecopier: (318) 227-2967

ATTORNEYS FOR DEFENDANTS,
ELDORADO CASINO SHREVEPORT JOINT
VENTURE, ELDORADO RESORTS, INC.,
ELDORADO SHREVEPORT #1, LLC, ELDORADO
SHREVEPORT #2, LLC, and THOMAS R. REEG

CERTIFICATE OF SERVICE

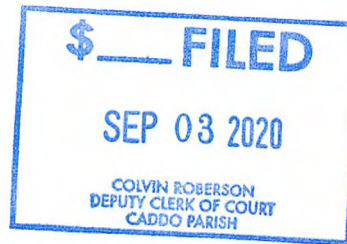
I HEREBY CERTIFY that a copy of the above and foregoing Answer to Petition and First Amended Petition for Damages has this date been served upon the following parties by placing same in the United States Mail, postage paid.

Mr. Bruce A. Flint
Flint, Crawford & Cogburn, P.L.L.C.
2821 Richmond Road
Texarkana, Texas 75503

Shreveport, Louisiana, this 3rd day of September, 2020.



OF COUNSEL



HENRY ROBINSON

NUMBER: 625,003-C

VERSUS

1ST JUDICIAL DISTRICT COURT


ELDORADO RESORTS, INC., ET AL.

CADDO PARISH, LOUISIANA

REQUEST FOR NOTICE OF TRIAL AND JUDGMENT

NOW INTO COURT, through undersigned counsel, comes the defendants, ELDORADO CASINO SHREVEPORT JOINT VENTURE (hereinafter referred to as "defendant" or "Eldorado") (erroneously identified by plaintiff as Eldorado Resorts, Inc., Eldorado Shreveport #1, LLC, Eldorado Shreveport #2, LLC, and Thomas R. Reeg), ELDORADO RESORTS, INC., ELDORADO SHREVEPORT #1, LLC, ELDORADO SHREVEPORT #2, LLC, and THOMAS R. REEG (collectively "defendants"), who request that they be given at least ten (10) days' written notice in advance in accordance with Article 1571 and 1572 of the Louisiana Code of Civil Procedure, of the date that this case is to be fixed for hearing or trial, and pursuant to Articles 1913 and 1914 of the Louisiana Code of Civil Procedure, of all final and interlocutory judgments.

BLANCHARD, WALKER, O'QUIN & ROBERTS
(A Professional Law Corporation)

By: 
Scott R. Wolf, La. Bar #28277

700 Regions Bank Tower
Post Office Drawer 1126
Shreveport, Louisiana 71163-1126
Telephone: (318) 221-6858
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ATTORNEYS FOR DEFENDANTS,
ELDORADO CASINO SHREVEPORT JOINT
VENTURE, ELDORADO RESORTS, INC.,
ELDORADO SHREVEPORT #1, LLC, ELDORADO
SHREVEPORT #2, LLC, and THOMAS R. REEG

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing Request for Notice of Trial and Judgment has this date been served upon the following parties by placing same in the United States Mail, postage paid.

Mr. Bruce A. Flint
Flint, Crawford & Cogburn, P.L.L.C.
2821 Richmond Road
Texarkana, Texas 75503

Shreveport, Louisiana, this 3rd day of September, 2020.



OF COUNSEL

STATE OF LOUISIANA

\$___ FILED
SEP - 8 2020
SHARON NEWTON
DEPUTY CLERK OF COURT
CADDOPARISH

CERTIFICATE OF SERVICE

I certify that Plaintiff's Notice of Voluntary Dismissal of Defendant Otis Elevator Company, Only, has been filed with the First Judicial District Court of Caddo Parish, State of Louisiana, and it has been served on the following attorney for defendant Otis Elevator Company on this 3rd day of September, 2020.



Bruce A. Flint | Louisiana State Bar No. 26031
Attorney for Plaintiff, Henry Robinson

Via E-Mail: shawn.golden@morganlewis.com

Shawn D. Golden
Louisiana State Bar No. 27480
Morgan, Lewis & Bockius LLP
1000 Louisiana Street, Suite 4000
Houston, TX 77002-5005
713.890.5154 (direct)
713.890.5001 (fax)
shawn.golden@morganlewis.com

ATTORNEY FOR DEFENDANT:
OTIS ELEVATOR COMPANY

5138905154

Bruce A. Flint
Attorney
Licensed in TX, AR, LA, OK, & MA



Darla S. Crawford
Attorney
Licensed in AR & TX

Brandon C. Cogburn
Attorney
Licensed in AR & TX

FLINT, CRAWFORD & COGBURN

September 3, 2020

Via U.S. Mail

Caddo Parish Clerk of Court
501 Texas Street, Room 103
Shreveport, Louisiana 71101-5401

Re: Henry Robinson vs. Eldorado Resorts, Inc., et al., Cause No.: 625033-C

Dear Clerk of Court:

Enclosed you will find the Plaintiff's *Notice of Voluntary Dismissal of Defendant Otis Elevator Company*, Only for filing with this letter. Please file stamp the enclosed extra copy and send it back in the self-addressed, stamped envelope enclosed.

Thank you very much for your time and please do not hesitate to contact me with any questions or comments you may have.

Very truly yours,

Jacquelyn Zwiern

Litigation Paralegal

jzwiern@bruceflint.com

Enclosure

Flint, Crawford & Cogburn
201 West 5th Street
El Dorado, AR 71730-3847
(870) 862-9400

2821 Richmond Road, Texarkana, TX 75503-2123
(888) 793-5468 | (903) 334-8928 | (903) 334-8853
www.flintcrawford.com
Se Habla Espanol / Se Fala Português Brasileiro

Flint, Crawford & Cogburn
222 N. Hervey Street, Suite C
Hope, AR 71801
(870) 474-5071

HENRY ROBINSON

NO. 625003-C

VS.

STATE OF LOUISIANA

ELDORADO RESORTS, INC. ET AL.

PARISH OF CADDO

FIRST JUDICIAL DISTRICT COURT

**ANSWER AND AFFIRMATIVE DEFENSES OF
SCHINDLER ELEVATOR CORPORATION**

NOW INTO COURT, through undersigned counsel, comes Schindler Elevator Corporation ("Schindler"), who respectfully responds to the *Amended Petition for Damages* (the "*Petition*") filed by plaintiff, Henry Robinson ("Plaintiff"), as follows:

ANSWER

1.

The allegations in paragraph 1 of plaintiff's *Petition* do not require a response from Schindler but, out of an abundance of caution, are denied for lack of information to justify a belief therein.

2.

The allegations in paragraph 2 of plaintiff's *Petition* made against Schindler are denied except for the identity of Schindler's agent for service of process, which is admitted to be CT Corporation, 3867 Plaza Tower Drive, Baton Rouge, Louisiana 70816. The allegations made against other parties do not require a response from Schindler but, out of an abundance of caution, are denied for lack of information to justify a belief therein.

3.

The allegations in paragraph 3 of plaintiff's *Petition* are denied for lack of information to justify a belief therein.

4.

The allegations in paragraph 4 of plaintiff's *Petition* are denied for lack of information to justify a belief therein.

5.

The allegations in paragraph 5 of plaintiff's *Petition* are denied for lack of information to justify a belief therein.

Litchfield
8391

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W/D DOC		CERT MAIL		
SERVICE				

Caddo Parish	C-625003
Filed Nov 13, 2020 12:21 PM	C
Sharon Newton	
Deputy Clerk of Court	
File Received Nov 13, 2020 10:50 AM	

6.

The allegations in paragraph 6 of plaintiff's *Petition* are denied for lack of information to justify a belief therein.

7.

The allegations in paragraph 7 of plaintiff's *Petition* made against Schindler are denied. The allegations made against other parties do not require a response from Schindler but, out of an abundance of caution, are denied for lack of information to justify a belief therein.

8.

The allegations in paragraph 8 of plaintiff's *Petition* are denied for lack of information to justify a belief therein.

9.

The allegations in paragraph 9 of plaintiff's *Petition* are denied.

AFFIRMATIVE DEFENSES

Further answering and defending, Schindler avers:

10.

The alleged incident and/or damages complained of occurred through no fault or negligence of Schindler.

11.

In addition or in the alternative, the alleged incident and damages complained of were caused by the fault or negligence of plaintiff, Henry Robinson, for whom Schindler has no legal responsibility, in the following non-exclusive particulars:

- a. Failing to properly use the subject escalator;
- b. Failing to keep a proper lookout;
- c. Failing to observe that which a reasonable person would have observed;
- d. Failing to take reasonable precautions for his own safety;
- e. Failing to exercise due care while using and/or entering the subject escalator; and
- f. Failing to mitigate his damages.

12.

In addition or in the alternative, the alleged incident and damages complained of were caused by the fault or negligence of others for whom Schindler has no legal responsibility, including but not limited to the premises owner, custodian, and/or unknown third parties, in the following non-exclusive particulars:

- a. Failing to properly use the subject escalator;
- b. Failing to observe and report issues or problems with the subject escalator;
- c. Failing to timely notify Schindler of issues with the subject escalator;
- d. Failing to adhere to the terms of the applicable maintenance agreement;
- e. Failing to protect the subject escalator from third parties; and
- f. Failing to mitigate against any potential damages.

13.

In addition or in the alternative, plaintiff's alleged damages, if any, were caused by a superseding or intervening incident and are not causally related to the incident sued upon.

14.

In addition or in the alternative, the alleged incident and damages complained of, if any, were caused or contributed to by the unforeseeable misuse of said escalator by plaintiff or other third parties for whom Schindler has no legal responsibility.

15.

In addition, and only in the event that judgment is rendered in plaintiff's favor against Schindler, then said judgment should be reduced in proportion to the degree of fault of plaintiff and other third parties, as described above and/or which may be adduced during the pendency of this action, in accordance with the laws of the State of Louisiana with respect to comparative fault and/or contributory negligence.

16.

Schindler avers that the subject escalator was safe, not unreasonably dangerous, and was fully compliant with applicable safety standards and regulations.

17.

Schindler pleads the relevant terms of the applicable escalator maintenance contract as if

copied *in extenso*.

18.

Out of an abundance of caution, Schindler denies any allegations not otherwise answered herein, specifically including any allegations set forth in plaintiff's prayer for relief.

19.

Schindler hereby prays for and is entitled to a trial by jury.

WHEREFORE, Schindler Elevator Corporation, respectfully prays that the foregoing answers and affirmative defenses be deemed good and sufficient and, after due proceedings, that there be judgment herein in its favor and against plaintiff, Henry Robinson, dismissing his petition with prejudice, at his own cost. Schindler further prays for a trial by jury and for all general and equitable relief.

Respectfully submitted,

LITCHFIELD CAVO LLP

BY: 
ERIN F. LORIO, LSBA #26389
1261 W. Causeway Approach, Ste. 200
Mandeville, LA 70471
Telephone: (985) 869-8700
Fax: (985) 303-6500
lorio@litchfieldcavo.com
**COUNSEL FOR SCHINDLER
ELEVATOR CORPORATION**

CERTIFICATE OF SERVICE

I HERBY CERTIFY that I have served a copy of the above and foregoing pleading on all known counsel of record by email, facsimile, and/or by U.S. Mail, properly addressed and postage pre-paid, this 13th day of November, 2020.


ERIN F. LORIO

HENRY ROBINSON

NO. 625003-C

VERSUS

STATE OF LOUISIANA

ELDORADO RESORTS, INC. ET AL.


PARISH OF CADDO

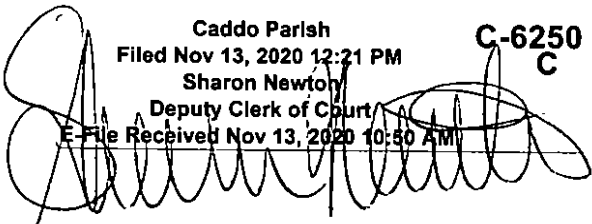
FIRST JUDICIAL DISTRICT COURT

JURY ORDER

Let there be trial by jury upon the applicant for jury trial depositing in the registry of the Court a sum of Three Thousand Six Hundred and NO/100 (\$ 3600⁰⁰.00) DOLLARS for each day the Court estimates the trial will last, said deposit to be made at least 60 days prior to trial ~~on or before the date of trial~~

Caddo Parish, Louisiana, this 13 day of November, 2020.


JUDGE


Caddo Parish
Filed Nov 13, 2020 12:21 PM
Sharon Newton
Deputy Clerk of Court
E-File Received Nov 13, 2020 10:50 AM
C-6250
C